

Amendment and Response

Applicant: Douglas E Woehler

Serial No.: 10/685,364

Filed: October 14, 2003

Docket No.: C283.101.102

Title: LOCATION SYSTEM

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed January 19, 2011. Claims 16-29 and 47-59 have previously been withdrawn from consideration. Claims 61 and 62 have previously been cancelled without prejudice. Claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 were rejected. Claims 11 and 40 have been objected to. Claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,381,541 to Sadler ("Sadler") in view of US Patent No. 4,527,158 to Runnels ("Runnels").

Under 35 U.S.C. 35 U.S.C. § 103(a), a cited reference can be removed as prior art if the date of invention of pending application predates the prior art date of the cited reference. Here, the earliest prior art date for Sadler is its filing date of November 6, 2000.

Based on the previously filed and entered Declaration under 37 C.F.R. 1.131 submitted with the Response filed August 30, 2007, and the previously filed and entered Supplemental Declaration under 37 C.F.R. 1.131 submitted with the Response filed March 28, 2008, the Applicant has previously established that he conceived of the present invention of claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 at least by October 26, 2000 (see "item 6" of the Declaration under 37 C.F.R. 1.131 submitted with the Response filed August 30, 2007, and Exhibit "A" submitted therewith). As such, Applicant conceived of the present invention of claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 prior to the earliest prior art date of Sadler of November 6, 2000. Thus, Applicant respectfully requests that Sadler be removed as prior art under 35 U.S.C. § 103(a).

With the removal of Sadler as prior art under 35 U.S.C. § 103(a), Applicant submits that the rejection of claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 under 35 U.S.C. § 103(a) as being unpatentable over Sadler in view of Runnels no longer apply. As such, Applicant

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respectfully requests that the rejection of claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 under 35 U.S.C. § 103(a) over Sadler in view of Runnels be withdrawn and that claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 be allowed.

Allowable Subject Matter

The Examiner objected to claims 11 and 40 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claims 11 and 40 were objected to for being dependent upon a rejected base claim, but indicated as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

While Applicant agrees with the Office Action that claims 11 and 40 would be allowable in rewritten in independent form, without necessarily acquiescing to the reasoning for such allowance, Applicant respectfully requests that the allowance of claims 11 and 40 be held in abeyance pending an examination of the present. Applicant submit that claims 11 and 40 are in allowable form for respectively depending from and further defining independent claims 1 and 30 which, as described above, are believed to be allowable.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-10, 12-15, 30-39, 41-46, 60, 63 and 64 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

Please consider this a Petition for Extension of Time for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 500471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: July 19, 2011

SED/GAK:cjs

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